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Paper No. 24

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JUN 14 2004

In re Application of	:	OFFICE OF PETITIONS
Vanessa Hsei et al	:	
Application No. 09/489,394	:	DECISION ON PETITION
Filed: January 21, 2000	:	UNDER 37 CFR 1.78(a)(3) AND
Attorney Docket No. P1085R6	:	UNDER 37 CFR 1.78(a)(6)

This is a decision on the petition under 37 CFR 1.78(a)(3) and 1.78(a)(6), filed November 10, 2003 and supplemented on May 3, 2004, to accept an unintentionally delayed claim under 35 U.S.C. § 120 § 119(e) for the benefit of the prior-filed nonprovisional and provisional applications set forth in the concurrently filed amendment.

The petition is **DISMISSED** as moot.

The instant application was filed on January 21, 2000. A petition under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. See MPEP Section 201.11 and 65 FR 57024 (Sept. 20, 2000). Therefore, the petition is dismissed as involving a moot issue.

In view of the above, the \$1,330 fee submitted for the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) is unnecessary and will be credited to Deposit Account No. 08-1641 as authorized.

Any inquiries concerning this decision may be directed to Karen Creasy at (703) 305-8859.

Application No. 09/489,394

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The application is being forwarded to Technology Center Art Unit 1642 for processing the amendment filed with the instant petition.

A handwritten signature in cursive script that reads "Karen Creasy".

Karen Creasy

Petitions Examiner

Office of Petitions

Office of the Deputy Commissioner  
for Patent Examination Policy

**UNITED STATES PATENT & TRADEMARK OFFICE**  
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**REQUEST FOR PATENT FEE REFUND**

1 Date of Request: 6-14-04 2 Serial/Patent # 09/489394

3. Please refund the following fee(s):

4 PAPER  
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5 DATE  
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OF REFUND

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8 TO BE REFUNDED BY:

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9 08--16411

10 REASON:

Overpayment

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No Fee Due (Explanation):

Ref dismissed as moot

11 REFUND REQUESTED BY:

TYPED/PRINTED NAME: Karen Creasy

TITLE: Pets, Exmr

SIGNATURE: Karen Creasy

PHONE: 305-8859

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DATE: 6/14/04

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